

## **Permitting & Assistance Branch Staff Report**

Revised Solid Waste Facilities Permit for the

Clover Flat Resource Recovery Park

SWIS No. 28-AA-0002

July 17, 2014

### **Background Information, Analysis, and Findings:**

This report was developed in response to the County of Napa Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed revised Solid Waste Facilities Permit (SWFP) for the Clover Flat Resource Recovery Park (CFRRP), SWIS No. 28-AA-0002, located in Calistoga and owned by Vista Corporation, and operated by the Clover Flat Landfill, Inc. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was initially received on July 29, 2013. Due to deficiencies in the Preliminary Closure and Postclosure Maintenance Plans (PCPCMP), the July 29, 2013 proposed permit was returned to the LEA and the timeframe for processing the proposed permit was waived by the applicant. A new proposed permit was received on June 10, 2014. Action must be taken on this permit no later than August 9, 2014. If no action is taken by August 9, 2014, the Department will be deemed to have concurred with the issuance of the proposed revised SWFP.

### **Proposed Changes**

The following changes to the first page of the permit are being proposed:

	Current Permit (2001)	Proposed Permit
Name of Facility	Clover Flat Landfill	Clover Flat Resource Recovery Park
Name of Operator	Marvin Pestoni, President Clover Flat Landfill, Inc.	Clover Flat Landfill, Inc.
Mailing Address of Owner	Vista Corporation 4380 Silverado Trail Calistoga, CA 94515	Vista Corporation 1285 Whitehall Ln. St. Helena, CA 94574
Permitted Operations	<ul style="list-style-type: none"><li>• Landfill Disposal Site</li></ul>	<ul style="list-style-type: none"><li>• Solid Waste Disposal Site</li><li>• Composting Facility</li></ul>
Permitted Area	78 acres	79 acres
Design Capacity	5.1 million cubic yards	4.56 million cubic yards
Estimated Closure Date	2021	2047

Other Changes include:

1. Updates to the documents that describe and/or restrict the operation of the facility.
2. Updated permit conditions correcting outdated language.

### **Key Issues**

The proposed permit will allow for the following:

1. Increase the SWFP permitted area from 78 acres to 79 acres to allow the expansion of the Recycling Center as well as the gate entrance expansion.
2. Extend the estimated closure date of the landfill from 2021 to 2047, due to increased recycling, increased compaction, and use of synthetic tarps as Alternative Daily Cover.
3. Decrease the landfill capacity from 5.1 million cubic yards to 4.56 million cubic yards.
4. Expansion of in-vessel food waste composting operation that will operate as a distinct solid waste handling activity within the revised SWFP.
5. Increase storage capacity for recyclable materials.
6. Change the name of the facility from Clover Flat Landfill to Clover Flat Resource Recovery Park.
7. Change of facility Operator from Marvin Pestoni to Clover Flat Landfill, Inc.
8. Change the mailing address of the facility Owner from 4380 Silverado Trail, Calistoga, CA 94515 to 1285 Whitehall Lane, St. Helena, CA 94574.

### **Background**

The Clover Flat Resource Recovery Park is an existing Solid Waste Disposal Facility located in northern Napa County off the Silverado Trail, about three miles east of the city of Calistoga. Operated by Clover Flat Landfill, Inc., the landfill serves the northwestern portion of Napa County and has been accepting solid waste since 1963. The disposal area occupies 44 acres of the total permitted 79 acre facility on a 179.97-acre parcel. The permitted area has been expanded by one (1) acre to accommodate the relocated and expanded Recycling area. The landfill is a Class III solid waste disposal site and operates under a Full SWFP issued by the Napa County Planning, Building, and Environmental Services (LEA) on April 3, 2001. The SWFP allows maximum receipt of 600 tons per day of waste and 275 round trip vehicles per day (VPD). The facility is permitted to accept construction and demolition waste, agricultural waste, industrial waste, sludge/biosolids, municipal solid waste, and food waste.

### **Findings:**

Staff recommends concurrence in the issuance of the proposed revised SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated June 4, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on May 24, 2011. The LEA provided a copy to the Department on July 29, 2013. The changes identified in the review are reflected in this permit revision.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on June 10, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on June 10, 2014, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Product & Compliance Unit found the facility is identified in the Countywide Siting Element, as described in the memorandum dated June 12, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(5) Preliminary or Final Closure/ Postclosure Maintenance Plans Consistency with State Minimum Standards	Engineering Support Branch staff in the Closure and Facility Engineering Unit found the Preliminary Closure/Postclosure Maintenance Plan is consistent with State Minimum Standards as described in their memorandum dated May 12, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(6) Known or Reasonably Foreseeable Corrective Action Cost Estimate	Engineering Support Branch staff in the Closure and Facility Engineering Unit found the written estimate to cover the cost of known or reasonably foreseeable corrective action activities is approved as described in their memorandum dated July 16, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(7)(A) Financial Assurances Documentation Compliance	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Financial Assurances documentation for closure, postclosure maintenance, and corrective action in compliance as described in their memorandum dated July 17, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(7)(B) Operating Liability Compliance	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Operating Liability in compliance as described in their memorandum dated July 17, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
	during an inspection conducted on February 11, 2014. See Compliance History below for details.	
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on June 10, 2014, that the proposed permit is consistent with and supported by the existing CEQA documentation. See the Environmental Analysis below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on June 20, 2013. No written comments were received by LEA or Department staff. See Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed revised SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

### **Compliance History:**

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on February 11, 2014 and cited one violation of PRC 44014(b), which has been corrected as reflected in the LEA's monthly inspections for March through June 2014.

Below are the details of the landfill's compliance history based on the LEA's monthly inspection reports during the last five years:

- 2014 (January - June) - Two violations of PRC 44014(b) - Operator Complies with Terms and Conditions of the Permit.
- 2013 - Two violations of 27 CCR Section 20700(a) – Intermediate Cover; One violation of PRC 44002 – Operator Authorized by SWF Permit; One violation of PRC 44014(b) - Operator Complies with Terms and Conditions of the Permit; One violation of 27 CCR Section 20680(a) – Daily Cover.
- 2012 - Seven violations of PRC 44014(b) - Operator Complies with Terms and Conditions of the Permit.
- 2011 - One violation of 27 CCR Section 20650 – Grading of Fill Surfaces; Six violations of PRC 44014(b) - Operator Complies with Terms and Conditions of the Permit; One violation of 27 CCR Section 20700(a) – Intermediate Cover.
- 2010 - Two violations of 27 CCR Section 20650 – Grading of Fill Surfaces; Six violations of PRC 44014(b) – Operator Complies with Terms and Conditions of the Permit; Four violations of 27 CCR Section 20510(a) – Disposal Site Records; One violation of 27 CCR Section 20680(a) – Daily Cover.
- 2009 - One violation of PRC 44014(b) – Operator Complies with Terms and Conditions of the Permit; Two violations of 27 CCR Section 21600 – Report of Disposal Site

Information; Two violations of 27 CCR Section 20615 – Supervision; One violation of 27 CCR Section 20680(a) – Daily Cover; One violation of 27 CCR Section 20700(a) – Intermediate Cover.

The operator has not been cited for a violation of PRC 44014(b) since the February 2014 inspection. In addition, the periodic violation of PRC 44014(b) will be addressed with the issuance of this revised SWFP by increasing the storage capacity of recyclable materials.

All other violations were corrected to the satisfaction of the LEA.

**Environmental Analysis:**

Under California Environmental Quality Act (CEQA), the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the County of Napa, Conservation, Development and Planning Department, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The changes that will be authorized by the issuance of the proposed permit include:

1. Extend the estimated closure date of the landfill from 2021 to 2047.
2. Decrease the landfill capacity from 5.1 million cubic yards to 4.56 million cubic yards.
3. Expansion of the gate operations area and the Recycling Operations area which results to an increase of the permitted boundary of the SWFP by 1 acre.
4. Addition of a 1 mega-watt biomass conversion facility that uses clean processed wood waste in a gasification unit.
5. Increase in-vessel food waste composting operations.
6. Increase the storage capacity of recyclable materials.
7. Addition of a residential food waste drop-off at the Recycling Operations area.
8. Renaming the facility to Clover Flat Resource Recovery Park; updates to the facility operator's name and owner's mailing address.

These changes are supported by the following environmental document.

A Mitigated Negative Declaration (MND), State Clearinghouse No. 2011082050, was circulated for a 30 day comment period from August 19, 2011 to September 19, 2011 and recirculated for an additional 30 day comment period from November 7, 2011 to December 6, 2011. The project analysis concluded that any physical environmental impacts caused by the project could be mitigated to less than significant levels with the implementation of the mitigation measures included in the Mitigation Monitoring and Reporting Program. The MND, together with the Mitigation Monitoring Program and Reporting Program, was adopted by the Lead Agency on December 7, 2011.

The County of Napa, Planning, Building, and Environmental Services Department (LEA), has provided a finding that the proposed revised SWFP is consistent with and supported by the cited environmental document.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the MND as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed revised SWFP. Department staff has reviewed and considered the CEQA Findings adopted by the Lead Agency. Department staff further recommends the MND, together with the CEQA finding, is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed revised SWFP and all of its components and supporting documentation, this staff report, the MND adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed revised SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

**Public Comments:**

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on June 20, 2013, at Upper Valley Recycling, in the City of Saint Helena. No members of the public were in attendance. No written comments were received by the LEA or Department staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on June 17 and July 15, 2014.